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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,852	09/27/2000	John J Horton	BS00-150	6537
28970	7590	08/25/2004	EXAMINER	
SHAW PITTMAN IP GROUP 1650 TYSONS BOULEVARD SUITE 1300 MCLEAN, VA 22102			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/669,852	HORTON, JOHN J	
	Examiner	Art Unit	
	Aaron Strange	2153	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Aaron Strange. (3) Jeramie Keys.
 (2) Brad Edelman. (4) _____.

Date of Interview: 19 August 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1, 15, 24, 25, 33 and 39.

Identification of prior art discussed: Branson et al., Hibbard, Tsoft.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

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1. Objections regarding claim numbering were discussed. Attorney Keys was informed that no action needed to be taken regarding claim numbering, and that the claims would be renumbered if the application were placed in condition for allowance.
2. Branson et al. (US 6,314,512), Hibbard (US 2001/0056503), and Tsoft (<http://www.rawbandwidth.com/oldsite/services/dsl.tml>) references were discussed with regard to claims 1, 15, 24, 25, 33 and 39.
3. Attorney Keys expressed agreement with regard to rejection of claim 1. Possible amendments were proposed to bring the limitations of claim 1 in line with the limitations expressed in the other independent claims. A further proposed amendment involved specifying that the user is prompted with a dialog box, allowing the user to choose whether or not to activate the backup connection. This serves the purpose of informing the user of the availability of the backup connection as well as allowing them to activate it upon failure of the xDSL service.
4. With regard to claims 15, 33, and 39, discussed issue of offering the end user the option of employing dial-up modem service. Attorney Keys proposed a possibly amending the claims to emphasize that the user is offered the option of employing dial-up access via a prompt shown on the screen of the user, and possibly further amending to clarify what actions are taken based on the user's choice. While no definite agreement was reached, Attorney Keys was notified that such an amendment would "further the issue".

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5. With regard to claims 24 and 25, Attorney Keys disagreed with the rejection of claim 24, expressing that the art failed to show the xDSL service provider concluding a failed connection and taking action based upon it. However, the claim failed to specify what party is concluding that service has failed. The issue was discussed and both parties agreed that amending the claim to specify that the xDSL service provider is monitoring the connection and generated a trouble ticket in response to a failed connection would be much clearer.
6. Attorney Keys discussed the possibility of incorporating both the prompting of the user with the monitoring of the connection by the service provider into one or more unspecified independent claims.
7. Attorney Keys expressed concern regarding receiving an Advisory Action in response to any proposed amendments. He was informed that incorporating specific recitations regarding the service provider monitoring the connection and generating trouble tickets would likely require further search and consideration. He was informed that incorporating the prompting of the user with a dialog box might not require further search, but no definite determination could be made.
8. No definite decisions were made regarding any of the claims discussed.